

REMARKS

A. 35 U.S.C. § 102

In the Office Action mailed on December 17, 2003, claims 30, 33-39, 47, 50-56, 64, 67-73, 81, 85-91, 99-102, 110 and 112-117 were rejected under 35 U.S.C. § 102(e) as being anticipated by Matsuo. Claims 116 and 117 have been canceled rendering their rejections moot and so their rejections should be withdrawn.

Regarding the remaining claims, Applicants traverse their rejections. In particular, the above-mentioned patent application claims priority under 35 U.S.C. § 120 or § 365(c) of PCT patent application PCT/AU99/00079 filed on February 5, 1999. The above-mentioned patent application also claims the benefit of the February 5, 1998 filing date of Australian patent reference no. PP1638 under 35 U.S.C. § 119. While the Office Actions mailed on March 4, 2003 and December 17, 2003 do not acknowledge receipt of the certified copies of the two Australian priority documents that include Australian patent reference no. PP1638 it is believed that the International Bureau has sent them to the U.S. Patent Office and so the claim for priority has been perfected. If the certified copies have not been received, then Applicants request notice of that so that they can obtain and file the certified copies with the U.S. Patent Office.

Since support for claims 30, 33-39, 47, 50-56, 64, 67-73, 81, 85-91, 99-102, 110 and 112-115 can be found in Australian patent reference no. PP1638, the claims have an effective date that is before the August 27, 1998 filing date of Matsuo. Accordingly, the rejection is improper and should be withdrawn.

Please note that the amendment being made to claim 99 is being made to correct an obvious typographical/grammatical error and so is not related to patentability as defined in *Festo*

Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002).

B. 35 U.S.C. § 103

1. Matsuo

Claims 31, 32, 40, 48, 49, 57, 65, 66, 74, 82-84, 92, 103 and 111 were rejected under 35 U.S.C. § 103 as being obvious in view of Matsuo. Claim 82 has been canceled rendering its rejection moot and so their rejections should be withdrawn.

Regarding the remaining claims, Applicants traverse their rejections. In particular, support for claims 31, 32, 40, 48, 49, 57, 65, 66, 74, 83, 84, 92, 103 and 111 can be found in Australian patent reference no. PP1638 and so the claims have an effective date that is before the August 27, 1998 filing date of Matsuo. Accordingly, the rejection is improper and should be withdrawn for reasons similar to those given in Section A.

2. Matsuo and Agraharam

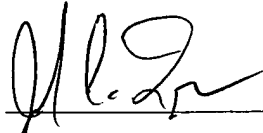
Claims 41-46, 58-63, 75-80, 93-98 and 104-109 were rejected under 35 U.S.C. § 103 as being obvious in view of Matsuo and Agraharam. Claims 41-46 and 58-63, 75-80, 93-98 and 104-109 have been canceled rendering their rejections moot and so their rejections should be withdrawn.

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 30-40, 47-57, 64-74, 81, 83-92, 99-103 and 110-115 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any

remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.C. Freeman', is written over a horizontal line.

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